

February 24, 2021

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,

v.

EDWIN OLIVARES-CALDERON, a/k/a “MARIPOSA”
(DEFENDANT 1);

AND

MARCOS OLIVARES-CALDERON, a/k/a “TECLAS”
(DEFENDANT 2);

Defendants.

§
§
§ Criminal No.: H-4:21-cr-**82**
§
§
§
§
§
§
§
§
§

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

Title 18, United States Code, § 1951(a) –
Conspiracy to Interfere with Commerce by Robbery

INTRODUCTION

At all times material to this Indictment, the business at 1255 Crosstimbers, Houston, Texas (hereinafter “business”), and a 2004 BMW X3 bearing Texas License Plate GKD6394 (hereinafter “target vehicle”), that travelled between that business and Mexico from on or about March 11, 2016 to on or about March 21, 2016, was a business at which, and a target vehicle in which, 5 kilograms or more of a substance or mixture containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, had been located and its transportation to that business in that target vehicle affected interstate commerce.

OVERT ACTS

Beginning on or about March 11, 2016, and continuing until on or about March 21, 2016,
in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other, and others known and unknown to the Grand Jury, to obstruct, delay, and affect interstate commerce and the movement of articles and commodities in commerce by means of a robbery, as the terms “commerce” and “robbery” are defined in Title 18, United States Code, §§ 1951(b)(1) and (b)(3), in that the defendants did unlawfully combine, conspire, confederate, and agree with each other, to unlawfully take and obtain property, namely, 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, by means of actual and threatened force, violence and fear of injury to those in lawful possession of those items, in violation of Title 18, United States Code, § 1951(a).

MANNER AND MEANS

The unlawful conspiracy was accomplished in the following manner and means:

1. It was part of the conspiracy that one or more co-conspirators would act as the driver of an automobile to the business and to intercept the target vehicle.
2. It was further part of the conspiracy that one or more co-conspirators would force entry into the business and the target vehicle by displaying a firearm, threatening to take by force, and taking by use of force to the business and target vehicle and occupants of the business and

target vehicle, 5 kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance.

3. It was further part of the conspiracy that one or more co-conspirators believed that the property they would take by threat of force and take by use of force to the property 5 kilograms or more of cocaine, a Schedule II narcotic controlled substance

4. It was further part of the conspiracy that co-conspirators would divide or made arrangements to divide the proceeds from the robbery.

COUNT TWO

Title 21, United States Code, § 846 – Conspiracy to Possess with the Intent to Distribute a Controlled Substance

Beginning on or about March 11, 2016, and continuing until on or about March 21, 2016, in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

defendants herein, knowingly and intentionally attempted, combined, conspired, confederated and agreed together with each other, and with other persons known and unknown to the Grand Jury, to commit the following offenses against the United States: to possess with intent to distribute 5 kilograms or more of a mixture of substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance.

In violation of Title 21, United States Code, Sections 846, 841(a)(1), and 841(b)(1)(A)(ii)(II).

COUNT THREE

**Title 18, United States Code, §§ 924(c)(1)(A) and 2 – Possessing a Firearm in Furtherance of a
Drug Trafficking Crime**

Beginning on or about March 11, 2016, and continuing until on or about March 21, 2016,
in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

defendants herein, aiding and abetting each other as well as others known and unknown to the Grand Jury, did knowingly possess a firearm, namely, a loaded black Glock Model 19 9-mm semi-automatic pistol, in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, that being Conspiracy to Possess with the Intent to Distribute a Controlled Substance as set forth in Count Two of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1)(A) and 2.

COUNT FOUR

Title 18, United States Code, §§ 924(c)(1)(A) and (o) – Conspiracy to Possess a Firearm in Furtherance of a Drug Trafficking Crime

Beginning on or about March 11, 2016, and continuing until on or about March 21, 2017,
in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

defendants herein, did knowingly conspire, combine, confederate, and agree, with persons known and unknown to the Grand Jury, to possess a firearm, to wit, a loaded black Glock Model 19 9-mm semi-automatic pistol, in furtherance of drug trafficking crime, that is, a drug trafficking crime for which they may be prosecuted in a court of the United States, that being Conspiracy to Possess with the Intent to Distribute a Controlled Substance as set forth in Count Two of this Indictment.

In violation of Title 18, United States Code, Sections 924(c)(1)(A) and (o).

COUNT FIVE

Title 18, United States Code, § 922(g)(5)(A) – Illegal Alien in Possession of a Firearm and Ammunition

Beginning on or about March 11, 2016, and continuing until on or about March 21, 2016,
in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

defendants herein, being aliens illegally and unlawfully in the United States, did knowingly
possess, in and affecting foreign and interstate commerce:

One (1) black Glock Model 19 9-mm semi-automatic pistol; and

Sixteen (16) rounds of 9-mm ammunition.

In violation of 18 United States Code, Section 922(g)(5)(A).\

COUNT SIX

Title 8, United States Code, § 1326(a) – Illegal Re-entry

On or about March 11, 2016, in the Houston Division of the Southern District of Texas,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

defendant herein, an alien who previously had been denied admission, excluded, deported, and/or
removed from the United States, knowingly and unlawfully was present in the United States when
found in Houston, Texas, without having obtained consent before March 2003, from the Attorney
General of the United States to reapply for admission into the United States; and without having

obtained corresponding consent after February 2003, from the Secretary of the Department of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557.

In violation of Title 8, United States Code, Sections 1326(a).

NOTICE OF CRIMINAL FORFEITURE
[21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. §2461(c)]

Pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the United States gives notice to the defendants,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

that in the event of a conviction of an offense in violation of Title 18, United States Code, Sections 922(g) and 924(c) and 924(o), as set out in Counts Three through Five of this Indictment, the following is subject to forfeiture:

Any firearms and ammunition involved in or used in any knowing violation of section 922(g), including, but not limited to: one (1) black Glock Model 10 9-mm semi-automatic pistol, serial number FRR200; sixteen (16) rounds of 9-mm. ammunition; one (1) Ruger Model P89 9-mm semi-automatic pistol, serial number 315-05957; ten (10) rounds of 9-mm ammunition; one (1) Baretta Model 92FS 9-mm semi-automatic pistol; and fifteen (15) rounds of 9-mm ammunition.

Furthermore, pursuant to Title 21, United States Code, Section 853, as a result of the commission of a violation of 21 U.S.C. §§ 846, 841(a), and 841(b)(1)(A)(ii), as set forth in Count 2 of this Indictment, notice is given that the defendants,

EDWIN OLIVARES-CALDERON, a/k/a
“MARIPOSA” (DEFENDANT 1),

and

MARCOS OLIVARES-CALDERON, a/k/a
“TECLAS” (DEFENDANT 2),

shall forfeit to the United States of America:

- (1) any property constituting, or derived from, any proceeds obtained directly or indirectly, as the result of such violation(s); and
- (2) any property used or intended to be used, in any manner of part, to commit, or to facilitate the commission of, such violation(s).

Substitute Assets

In the event that the property which is subject to forfeiture to the United States, as a result of any act or omission of the defendant(s):

- (1) cannot be located upon the exercise of due diligence;
- (2) has been placed beyond the jurisdiction of the Court;
- (3) has been transferred or sold to, or deposited with a third party;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

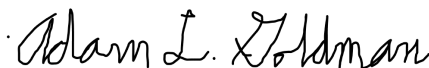
it is the intent of the United States to seek forfeiture of any other property of the defendant(s) up to the value of such property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL:

Original Signature on file

FOREPERSON OF THE GRAND JURY

RYAN K. PATRICK
United States Attorney, Southern District of Texas



Adam Laurence Goldman
Assistant United States Attorney